

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

FREDERICK BRADY,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 05-1267V

Special Master Christian J. Moran

Filed: April 27, 2007

William Paul Glass, Jr., Esq., Glass Law Firm, Birmingham, Alabama, for Petitioner;
Michael P. Milmo, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On April 11, 2007, the parties filed a joint stipulation concerning the injuries received by petitioner, Frederick Brady. Mr. Brady filed a petition for compensation on December 7, 2005. In his petition, Mr. Brady alleged that the tetanus-diphtheria vaccine and/or pneumococcal vaccine, which he received on March 4, 2004, caused his arm and shoulder pain. The pneumococcal vaccine that Mr. Brady received is not listed within the Vaccine Injury Table. 42 C.F.R. § 100.3(a). Therefore, Mr. Brady's claim for compensation is limited to the tetanus-diphtheria vaccine.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

Respondent denies that Mr. Brady's arm and shoulder pain were caused by the tetanus-diphtheria vaccine. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

A lump sum of \$30,000.00 in the form of a check payable to Petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 05-1267V according to this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser at (202) 357-6358.

IT IS SO ORDERED.

Christian J. Moran
Special Master